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## B I L L

TO

Empower Rural Local Authorities in Ireland to advance money for enabling persons to acquire the ownership of small houses in which they reside.

A.D. 1902.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1.—(1.) A rural sanitary authority, hereinafter in this Act referred to as a district council, may, subject to the provisions of this Act, advance money to a resident in a house within the district for the purpose of enabling him to acquire the ownership of that house; provided that any advance shall not exceed—
- 10 (a) four-fifths of that which, in the opinion of the local authority, is the market value of the ownership; nor
- (b) *two hundred pounds.*
- (2.) Every such advance shall be repaid with such interest within such period, not exceeding *thirty years*, by such instalments and at such periods as may be determined by the Local Government Board for Ireland, and the repayment may be made either by equal instalments of capital or by an annuity of principal and interest combined.
- 15 (3.) The person to whom any such advance has been made may, at any day upon which an instalment is due, after *one month's* written notice, and on paying all sums due on account of interest, repay to the district council the whole of the outstanding principal of the advance, or any part thereof being *ten pounds* or a multiple of ten pounds, and where the repayment is made by an annuity of
- 20 principal and interest combined, the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance is paid off, shall be determined by a table annexed to the instrument securing the repayment of the advance.

[Bill 13.]

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A.D. 1902.

Procedure  
for obtaining  
advances

2. Before making an advance under this Act in respect of a house a district council shall be satisfied—

- (a) that the applicant for the advance is resident or intends to reside in the house, and is not already the proprietor within the meaning of this Act of a house to which the statutory conditions 5 apply; and
- (b) that the advance, having regard to all the circumstances of the case, is one which an ordinary mortgagee would be willing to make; and
- (c) that the repayment to the district council of the advance is 10 secured by an instrument vesting the ownership (including any interest already held by the purchaser) in the district council, subject to the right of redemption by the applicant, but such instrument shall not contain anything inconsistent with the provisions of this Act. 15

Conditions  
affecting  
house  
purchased  
by means of  
advance.

3.—(1.) Where the ownership of a house has been acquired by means of an advance under this Act, the house shall, until such advance, with interest, has been fully paid, or the district council have taken possession or ordered a sale under this Act, be held subject to the following conditions (in this Act referred to as the 20 statutory conditions), that is to say:—

- (a.) Every sum for the time being due in respect of principal or of interest of the advance shall be punctually paid;
- (b.) The proprietor of the house shall reside in the house;
- (c.) The house shall be kept insured against fire to the satisfaction 25 of the district council, and the receipts for the premiums produced when required by them;
- (d.) The house shall be kept in good sanitary condition and good repair;
- (e.) The house shall not be used for the sale of intoxicating 30 liquors, or in such a manner as to be a nuisance to adjacent houses;
- (f.) The district council shall have power to enter the house by any person, authorised by them in writing for the purpose, at all reasonable times, for the purpose of ascertaining whether 35 the statutory conditions are complied with.

(2.) The proprietor of the house may, with the permission of the district council (which shall not be unreasonably withheld) at any time transfer his interest in the house, but any such transfer shall be made subject to the statutory conditions. 40

(3.) Where default is made in complying with the statutory conditions the district council may, after *fourteen days'* notice, take possession of the house or order the sale of the house without taking possession. A.D. 1902.

4.—(1.) Where the ownership of a house has been acquired by means of an advance under this Act, the person who is the proprietor shall be personally liable for the repayment of any sum due in respect of the advance until he ceases to be proprietor, by reason of a transfer made in accordance with this Act. Provision as to personal liability and powers of proprietor.

(2.) The provisions of this Act requiring the permission of the district council to the transfer of the proprietor's interest in a house under this Act shall not apply to any charge on that interest made by the proprietor, so far as the charge does not affect any rights or powers of the district council under this Act.

5.—(1.) Where a district council take possession of a house, all the estate, right, interest, and claim of the proprietor in or to the house shall, subject as in this section mentioned, vest in and become the property of the district council, and that council may deal with it as they think expedient. Powers of district council.

(2.) Where a district authority take possession of a house they shall, save as herein-after mentioned, pay to the proprietor either—

(a) such sum as may be agreed upon; or

(b) a sum equal to the value of the interest in the house at the disposal of the district council, after deducting therefrom—

(i) the amount of the advance then remaining unpaid;

(ii) any sum due for interest;

(iii) and all costs incurred by the district council by reason of any breach of the statutory conditions;

and the said value in the absence of sale or in default of agreement shall be determined by an inspector of the Local Government Board.

6.—(1.) Where a district council order the sale of a house without taking possession, they shall cause it to be put up for sale by auction, and out of the proceeds of sale retain any sum due to them on account of the interest or principal of the advance, and all costs, charges, and expenses properly incurred by them in or about the sale of the house, and pay over the balance (if any) to the proprietor. Provisions as to ordering sale.

(2.) If the district council are unable at the auction to sell the house for such a sum as will allow of the payment out of the proceeds of sale of the interest and principal of the advance then

A.D. 1862. due to the authority, and the costs, charges, and expenses aforesaid, they may take possession of the house in manner provided by this Act, but shall not be liable to pay any sum to the proprietor.

List of  
advances.

7.—(1.) A district council shall keep at their offices a book containing a list of any advances made by them under this Act, 5 and shall enter therein with regard to each advance—

(i) a description of the house in respect of which the advance is made ;

(ii) the amount advanced ;

(iii) the amount for the time being repaid ;

(iv) the name of the proprietor for the time being of the house ; and

(v) such other particulars as the district council think fit to enter.

(2.) The book shall be open to inspection at the office of the 15 district council during office hours.

Expenditure  
by district  
council.

8.—(1.) All expenses of a district council in the execution of this Act shall be paid out of any rate applicable to the general purposes of the Public Health (Ireland) Acts, 1878 to 1896.

(2.) Separate accounts shall be kept by every district council of 20 their receipts and expenditure under this Act.

(3.) A district council shall have the same power of borrowing on the credit of the rates under this Act as for the purposes of the said Acts.

Loans.

9. The Commissioners of Public Works in Ireland may, in 25 manner provided by the Public Works Loans (Ireland) Acts, 1831 to 1886, lend any money which may be borrowed by a district council for the purposes of this Act.

Audit of  
accounts.

10. The accounts of a district council, acting in execution of this Act, shall be audited in the same manner and with the same 30 power in the officers auditing the same, and subject to the same provisions as its accounts in respect of its sanitary authority are for the time being required to be audited by law.

Residence  
and owner-  
ship.

11.—(1.) A person shall not be deemed for the purposes of this Act to be resident in a house unless he is both the occupier of and 35 resident in that house.

(2.) Where the ownership of a house is acquired by means of an advance under this Act, the purchaser of the ownership, or, in the case of any devolution or transfer, the person in whom the interest of the purchaser is for the time being vested, shall be the proprietor 40 of the house for the purposes of this Act.

12. An advance shall not be made under this Act for the purchase of a house acquired under the Labourers (Ireland) Acts, 1883 to 1896, and held by a district council under those Acts.

A.D. 1902.  
Limitation  
of advances.

13.—(1.) Where a district council make an advance under this Act in Ireland they shall cause the title to the premises in respect of which the advance is made to be registered under the Local Registration of Title (Ireland) Act, 1891, and shall pay the cost of first registration out of the advance.

Registration  
of title in  
Ireland,  
54 & 55 Vict.  
c. 66.

(2.) Rules under that Act—

(a) shall adapt that Act to the registration of ownerships under this Act, and provide for the easy transfer of such ownerships;

(b) shall provide for the registration (if required) of a person as the proprietor under this Act with such a possessory or qualified title as is provided under the Land Transfer Acts, 1875 and 1897; and

(c) shall provide that the fees payable to the Local Registration of Title Office in respect of either first registration of, or any subsequent dealing with, such premises shall not exceed *ten shillings*.

(3.) The person appearing on the register for the time being as proprietor shall alone be the proprietor for the purposes of this Act.

14. So much of the Small Dwellings Acquisition Act, 1899, as is applicable to rural sanitary districts in Ireland is hereby repealed.

15. This Act may be cited as the Rural Small Dwellings (Ireland) Acquisition Act, 1902.

# Rural Small Dwellings (Ireland) Acquisition.

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## B I L L

To empower Rural Local Authorities  
in Ireland to advance money for  
enabling persons to acquire the  
ownership of small houses in which  
they reside.

(*Prepared and brought in by*  
*Mr. Monro, Mr. O'Neill, Col. J. McCann,*  
*and Mr. William Moore.*)

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Session 1892.*

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[Bill 13.]